

- 5 -

Remarks

The present response is to the Office Action mailed in the above-referenced case on February 10, 2006. Claims 1, 2, 18 and 32 are rejected under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 18 are further rejected under 35 U.S.C 112, second paragraph, as being indefinite in that they fail to point out what is included or excluded by the claim language. Claims 1-42 are rejected under 35 U.S.C 103(a) as being unpatentable over Ben-Chanoch (U.S. 6,707,906 A1), hereinafter Ben-Chanoch, in view of the newly presented reference of Kannan (U.S. 2001/0054064), hereinafter Kannan.

The Examiner has stated that although the reference of Ben Chanoch substantially teaches the elements of applicant's invention as part of the contact center, the reference explicitly fails to teach at least one intermediate server connected to and addressable on the network and accessible to the instant message server, the intermediate server having access to routing rules and capability. The Examiner has relied on the reference of Kannan for teaching this deficiency.

In response to the Examiner's 112 and 103(a) rejection of applicant's claims, applicant herein cancels all of the standing claims and presents a new set of claims 43-51 which better capture the essence of applicant's instant messaging system. Applicant urges that the heart of the present invention which applicant believes is clearly and unarguably patentable over the prior art presented by the Examiner, is that the IM server in the communication center can deal with different protocols used by different providers of IM services, and can access agent data and routing rules and capabilities in order to determine an available and capable agent of the communication center best suited for satisfying the needs of the client initiating the instant messaging communication with the agent of the communication center, and to open IM communication between the remote client and the representative agent.

Applicant believes the new claims presented for examination are patentable over

- 6 -

the references cited and applied by the Examiner, and further render the Examiner's 112 rejections of applicant's claims moot. Therefore applicant requests re-examination and that the case be passed quickly to issue. If there are any extensions of time required beyond an extension specifically petitioned and paid with this response, such extensions are hereby requested. If there are any fees due beyond any fees paid by check with this response, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,
Yevgeniy Petrovykh

By Donald R. Boys
Donald R. Boys
Reg. No. 35,074

Central Coast Patent Agency
P.O. Box 187
Aromas, CA 95004
(831) 726-1457